

Senate Amendment to
House File 2540

H-8305

1 Amend House File 2540, as amended, passed, and reprinted by
2 the House, as follows:

3 1. By striking everything after the enacting clause and
4 inserting:

5 <DIVISION I

6 CHARITY BEER, SPIRITS, AND WINE EVENT PERMIT

7 Section 1. Section 123.32, subsection 1, paragraph b, Code
8 2020, is amended by adding the following new subparagraph:
9 NEW SUBPARAGRAPH. (7A) A charity beer, spirits, and wine
10 event permit as provided in section 123.173B.

11 Sec. 2. NEW SECTION. 123.173B Charity beer, spirits, and
12 wine event permit.

13 1. For purposes of this section, "*authorized nonprofit*
14 *entity*" includes a nonprofit entity which has a principal office
15 in the state, a nonprofit corporation organized under chapter
16 504, or a foreign corporation as defined in section 504.141,
17 whose income is exempt from federal taxation under section
18 501(c) of the Internal Revenue Code.

19 2. Upon application to the division and receipt of a charity
20 beer, spirits, and wine event permit, an authorized nonprofit
21 entity may conduct an event at which the entity is authorized
22 to serve the event's attendees beer, spirits, and wine for
23 consumption on the premises of the event, regardless of whether
24 the entity charges an admission fee to the event or otherwise
25 collects the cost of the beer, spirits, and wine served from
26 the event's attendees and subject to the requirements of this
27 section.

28 3. An application for a charity beer, spirits, and wine
29 event permit shall include all of the following information:

30 a. The date and time when the charity beer, spirits, and
31 wine event is to be conducted and the location of the premises
32 in this state where the charity beer, spirits, and wine event
33 is to be physically conducted.

34 b. The liquor control license or wine or beer permit number
35 issued by the division for the premises where the charity beer,

1 spirits, and wine event is to be conducted.

2 *c.* A certification that the objective of the charity beer,
3 spirits, and wine event is to raise funds solely to be used for
4 educational, religious, or charitable purposes and that the
5 entire proceeds from the charity beer, spirits, and wine event
6 are to be expended for any of the purposes described in section
7 423.3, subsection 78.

8 4. A charity beer, spirits, and wine event shall comply with
9 all of the following requirements:

10 *a.* The event is to be conducted on a premises covered by a
11 valid liquor control license or wine or beer permit issued by
12 the division.

13 *b.* The authorized nonprofit entity shall have a written
14 agreement with the liquor control licensee or wine or beer
15 permittee covering the premises where the event is to be
16 conducted specifying that that licensee or permittee shall act
17 as the agent of the authorized nonprofit entity for the purpose
18 of providing and serving alcoholic beverages to the attendees
19 of the event.

20 *c.* The liquor control licensee or wine or beer permittee
21 covering the premises where the event is to be conducted shall
22 supply all alcoholic beverages served to the attendees of the
23 event.

24 *d.* Only those types of alcoholic beverages as are authorized
25 to be sold by the liquor control license or wine or beer permit
26 covering the premises where the event is to be conducted are to
27 be served to the attendees of the event.

28 5. An authorized nonprofit entity shall be eligible to
29 receive no more than two charity beer, spirits, and wine event
30 permits during a calendar year and each charity beer, spirits,
31 and wine event permit shall be valid for a period not to exceed
32 thirty-six consecutive hours.

33 6. Any violation of the requirements of this chapter or
34 the rules adopted pursuant to this chapter shall subject the
35 charity beer, spirits, and wine event permit holder to the

1 general penalties provided in this chapter and shall constitute
2 grounds for imposition of a civil penalty, suspension of
3 the permit, or revocation of the permit after notice and
4 opportunity for a hearing pursuant to section 123.39 and
5 chapter 17A.

6 Sec. 3. Section 123.179, Code 2020, is amended by adding the
7 following new subsection:

8 NEW SUBSECTION. 7. The fee for a charity beer, spirits, and
9 wine event permit is one hundred dollars.

10 DIVISION II

11 WINE SALES

12 Sec. 4. Section 123.178, subsection 1, Code 2020, is amended
13 to read as follows:

14 1. A person holding a class "B" wine permit may sell wine at
15 retail for consumption off the premises. Wine shall be sold
16 for consumption off the premises in original containers ~~only~~
17 except as provided in subsection 4.

18 Sec. 5. Section 123.178, Code 2020, is amended by adding the
19 following new subsections:

20 NEW SUBSECTION. 4. Subject to the rules of the division,
21 sales made pursuant to this section may be made in a container
22 other than the original container only if all of the following
23 requirements are met:

24 a. The wine is transferred from the original container to
25 the container to be sold on the licensed premises at the time
26 of sale or when sold by telephonic or other electronic means.

27 b. The person transferring the wine from the original
28 container to the container to be sold shall be eighteen years
29 of age or more.

30 c. The container to be sold shall be no larger than
31 seventy-two ounces.

32 d. The container to be sold shall be securely sealed by a
33 method authorized by the division that is designed so that if
34 the sealed container is reopened or the seal tampered with, it
35 is visibly apparent that the seal on the container of wine has

1 been tampered with or the sealed container has otherwise been
2 reopened.

3 NEW SUBSECTION. 5. A container of wine other than the
4 original container that is sold and sealed in compliance
5 with the requirements of subsection 4 and the rules of the
6 division shall not be deemed an open container subject to the
7 requirements of sections 321.284 and 321.284A if the sealed
8 container is unopened and the seal has not been tampered with,
9 and the contents of the container have not been partially
10 removed.

11 Sec. 6. Section 123.178A, subsection 1, Code 2020, is
12 amended to read as follows:

13 1. A person holding a class "B" native wine permit may sell
14 native wine only at retail for consumption off the premises.
15 Native wine shall be sold for consumption off the premises in
16 original containers ~~only~~ except as provided in subsection 4.

17 Sec. 7. Section 123.178A, Code 2020, is amended by adding
18 the following new subsections:

19 NEW SUBSECTION. 4. Subject to the rules of the division,
20 sales made pursuant to this section may be made in a container
21 other than the original container only if all of the following
22 requirements are met:

23 a. The wine is transferred from the original container to
24 the container to be sold on the licensed premises at the time
25 of sale or when sold by telephonic or other electronic means.

26 b. The person transferring the wine from the original
27 container to the container to be sold shall be eighteen years
28 of age or more.

29 c. The container to be sold shall be no larger than
30 seventy-two ounces.

31 d. The container to be sold shall be securely sealed by a
32 method authorized by the division that is designed so that if
33 the sealed container is reopened or the seal tampered with, it
34 is visibly apparent that the seal on the container of wine has
35 been tampered with or the sealed container has otherwise been

1 reopened.

2 NEW SUBSECTION. 5. A container of wine other than the
3 original container that is sold and sealed in compliance
4 with the requirements of subsection 4 and the rules of the
5 division shall not be deemed an open container subject to the
6 requirements of sections 321.284 and 321.284A if the sealed
7 container is unopened and the seal has not been tampered with,
8 and the contents of the container have not been partially
9 removed.

10 Sec. 8. Section 123.178B, subsection 1, Code 2020, is
11 amended to read as follows:

12 1. A person holding a class "C" native wine permit may
13 sell native wine only at retail for consumption on or off the
14 premises. Sales of wine for consumption off the premises made
15 pursuant to this section shall be made in original containers
16 except as provided in subsection 5.

17 Sec. 9. Section 123.178B, Code 2020, is amended by adding
18 the following new subsections:

19 NEW SUBSECTION. 5. Subject to the rules of the division,
20 sales made pursuant to this section may be made in a container
21 other than the original container only if all of the following
22 requirements are met:

23 a. The wine is transferred from the original container to
24 the container to be sold on the licensed premises at the time
25 of sale or when sold by telephonic or other electronic means.

26 b. The person transferring the wine from the original
27 container to the container to be sold shall be eighteen years
28 of age or more.

29 c. The container to be sold shall be no larger than
30 seventy-two ounces.

31 d. The container to be sold shall be securely sealed by a
32 method authorized by the division that is designed so that if
33 the sealed container is reopened or the seal tampered with, it
34 is visibly apparent that the seal on the container of wine has
35 been tampered with or the sealed container has otherwise been

1 reopened.

2 NEW SUBSECTION. 6. A container of wine other than the
3 original container that is sold and sealed in compliance
4 with the requirements of subsection 5 and the rules of the
5 division shall not be deemed an open container subject to the
6 requirements of sections 321.284 and 321.284A if the sealed
7 container is unopened and the seal has not been tampered with,
8 and the contents of the container have not been partially
9 removed.

10 DIVISION III

11 ALCOHOLIC BEVERAGES SALES

12 Sec. 10. Section 123.30, subsection 3, paragraph c,
13 subparagraph (1), Code 2020, is amended to read as follows:

14 (1) A class "C" liquor control license may be issued to
15 a commercial establishment but must be issued in the name
16 of the individuals who actually own the entire business and
17 shall authorize the holder to purchase alcoholic liquors in
18 original unopened containers from class "E" liquor control
19 licensees only, wine from class "A" wine permittees or class
20 "B" wine permittees who also hold class "E" liquor control
21 licenses only as provided in [sections 123.173 and 123.177](#),
22 and to sell alcoholic beverages to patrons by the individual
23 drink for consumption on the premises only. However, alcoholic
24 liquor, wine, and beer may also be sold for consumption off
25 the premises. In addition, mixed drinks or cocktails may
26 also be sold for consumption off the premises subject to the
27 requirements of section 123.49, subsection 2, paragraph "d".
28 The holder of a class "C" liquor control license may also hold
29 a special class "A" beer permit for the premises licensed under
30 a class "C" liquor control license for the purpose of operating
31 a brewpub pursuant to [this chapter](#).

32 Sec. 11. Section 123.30, subsection 3, paragraph c,
33 subparagraph (3), Code 2020, is amended to read as follows:

34 (3) A class "C" native distilled spirits liquor control
35 license may be issued to a native distillery but shall be

1 issued in the name of the individuals who actually own the
2 business and shall only be issued to a native distillery which,
3 combining all production facilities of the business, produces
4 and manufactures not more than one hundred thousand proof
5 gallons of distilled spirits on an annual basis. The license
6 shall authorize the holder to sell native distilled spirits
7 manufactured on the premises of the native distillery to
8 patrons by the individual drink for consumption on the premises
9 and mixed drinks or cocktails for consumption off the premises
10 subject to the requirements of section 123.49, subsection 2,
11 paragraph "d". All native distilled spirits sold by a native
12 distillery for on-premises consumption and mixed drinks or
13 cocktails sold for consumption off the premises shall be
14 purchased from a class "E" liquor control licensee in original
15 unopened containers.

16 Sec. 12. Section 123.43A, subsection 6, Code 2020, is
17 amended to read as follows:

18 6. Notwithstanding any provision of [this chapter](#) to the
19 contrary or the fact that a person is the holder of a class
20 "A" native distilled spirits license, a native distillery
21 which, combining all production facilities of the business,
22 produces and manufactures not more than one hundred thousand
23 proof gallons of native distilled spirits on an annual basis
24 may sell those native distilled spirits manufactured on the
25 premises of the native distillery for consumption on the
26 premises by applying for a class "C" native distilled spirits
27 liquor control license as provided in [section 123.30](#). A
28 native distillery may be granted not more than one class "C"
29 native distilled spirits liquor control license. All native
30 distilled spirits sold by a native distillery for on-premises
31 consumption and mixed drinks or cocktails sold for consumption
32 off the premises shall be purchased from a class "E" liquor
33 control licensee. A manufacturer of native distilled spirits
34 may be issued a class "C" native distilled spirits liquor
35 control license regardless of whether the manufacturer is also

1 a manufacturer of beer pursuant to a class "A" beer permit or
2 a manufacturer of native wine pursuant to a class "A" wine
3 permit.

4 Sec. 13. Section 123.49, subsection 2, paragraph d, Code
5 2020, is amended by adding the following new subparagraph:

6 NEW SUBPARAGRAPH. (3) Mixed drinks or cocktails mixed on
7 premises covered by a class "C" liquor control license or a
8 class "C" native distilled spirits liquor control license for
9 consumption off the licensed premises may be sold if the mixed
10 drink or cocktail is immediately sealed with a lid or other
11 method of securing the product and is promptly taken from the
12 licensed premises prior to consumption of the mixed drink or
13 cocktail. A mixed drink or cocktail that is sold and sealed
14 in compliance with the requirements of this subparagraph shall
15 not be deemed an open container subject to the requirements
16 of sections 321.284 and 321.284A if the sealed container is
17 unopened and the seal has not been tampered with, and the
18 contents of the container have not been partially removed.

19 Sec. 14. Section 123.131, subsection 2, paragraph a, Code
20 2020, is amended to read as follows:

21 a. The beer is transferred from the original container to
22 the container to be sold on the licensed premises at the time
23 of sale or when sold by telephonic or other electronic means.

24 Sec. 15. EMERGENCY RULES. The alcoholic beverages division
25 of the department of commerce may adopt emergency rules under
26 section 17A.4, subsection 3, and section 17A.5, subsection 2,
27 paragraph "b", to implement the provisions of this division
28 of this Act and the rules shall be effective immediately upon
29 filing unless a later date is specified in the rules. Any
30 rules adopted in accordance with this section shall also be
31 published as a notice of intended action as provided in section
32 17A.4.

33 Sec. 16. EFFECTIVE DATE. This division of this Act, being
34 deemed of immediate importance, takes effect upon enactment.>

35 2. Title page, by striking lines 1 and 2 and inserting

1 <An Act concerning alcoholic beverage control, establishing
2 a charity beer, spirits, and wine event permit, providing
3 for alcoholic beverages sales, and including effective date
4 provisions.>